

Message

From: Russ, Michael [russ.michael@epa.gov]
Sent: 7/12/2019 6:02:54 PM
To: Nettesheim, Todd [nettesheim.todd@epa.gov]; Korleski, Christopher [korleski.christopher@epa.gov]
Subject: FW: Red Cliff GLRI Daft Action Plan III

FYI,

Ex. 5 Deliberative Process (DP)

Michael Russ, Senior Advisor
USEPA-Great Lakes National Program Office
77 West Jackson Blvd., Chicago, IL 60604
312-886-4013

From: Laplante, Elizabeth
Sent: Friday, July 12, 2019 12:23 PM
To: Russ, Michael <russ.michael@epa.gov>
Subject: RE: Red Cliff GLRI Daft Action Plan III

All good! Thanks for reminding me to follow up.

Liz

From: Noah Saperstein <Noah.Saperstein@redcliff-nsn.gov>
Sent: Friday, July 12, 2019 10:54 AM
To: Laplante, Elizabeth
Subject: RE: [EXTERNAL] RE: Red Cliff GLRI Daft Action Plan III

Boozhoo Liz,

I spoke with my division today. We greatly appreciate you reaching out to discuss our comments and ensuring that Red Cliff's voice is not only heard, but listened too. It sounds like Red Cliff's Treaty Natural Resources Division thinks it is best to just move forward and allow the GLRI Action Plan III to progress as the GLNPO sees fit. Again, chi miigwech for reaching out and making sure that we are being heard!

Miigwech,

Noah Saperstein

Environmental Justice Specialist
Red Cliff Environmental Department
Treaty Natural Resources Division
Red Cliff Band of Lake Superior Chippewa
88455 Pike Road
Bayfield, WI 54814

From: Laplante, Elizabeth <LaPlante.Elizabeth@epa.gov>
Sent: Wednesday, June 12, 2019 12:18 PM
To: Noah Saperstein <Noah.Saperstein@redcliff-nsn.gov>
Subject: [EXTERNAL] RE: Red Cliff GLRI Daft Action Plan III

Thanks Noah.

I will look at your original letter and the responses to comment before talking to my colleagues in GLNPO. I will then follow up with you.

Liz

From: Noah Saperstein <Noah.Saperstein@redcliff-nsn.gov>
Sent: Wednesday, June 12, 2019 9:41 AM
To: Laplante, Elizabeth <LaPlante.Elizabeth@epa.gov>; Rob Hyde <Rob.Hyde@canada.ca>
Subject: Red Cliff GLRI Daft Action Plan III

Boozhoo,

Per your request, attached is the Red Cliff comment letter regarding the draft GLRI Action Plan III. Below is the response that Red Cliff received regarding our comments.

The Honorable Richard A. Peterson, Tribal Chairman
Red Cliff Band of Lake Superior Chippewa

Dear Chairman Peterson:

Thank you for providing your very thoughtful input on behalf of Red Cliff Band of Lake Superior Chippewa on the draft of Action Plan III. Because of my intent to have a final Plan in effect as of 10/1/19, I am pushing my staff hard to move the Plan to the next stage - making it available for a 30-day period of review and input by the general public. Before moving to that stage, however, I wanted to promptly provide you with this interim response. We propose to send a more formal, final response, in accord with EPA's consultation policy, after the close of the public review period on the draft Plan.

As you will see below, we have incorporated many, but not all, of your comments, and you will see these incorporations in the draft that will be going out to the general public in the near future. Further, getting the draft out for the general public to review does not mean that we are unwilling to further discuss the draft Plan with you during the public review period and we are certainly willing to discuss any remaining concerns you may have.

Preliminary Responses to Comments:

| Comment Area | Comment | GLNPO Response |
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| General | <p>Miskwabekaang recommends that indigenous languages are integrated into the Plan. There are nearly 30 tribal nations within the Gichigami (Great Lakes) Basin including Anishinaabe and Haudenosaunee people. English is the only language used in this document with no attempt to include Ojibwemowin (the Ojibwe language), Kanien'keha (the Kanien'kehaka, Mohawk, Language) or other languages of the indigenous peoples that have lived along across the Gichigami Basin since either time immemorial or forced relocation. We believe that incorporating a mix of traditional languages (such as describing names of locations, types ofgiigoonhyag (fishes), the wellness of nibi (water) or types of mitigoog (trees)) will strengthen the culturally responsive component of this document. Continuing this idea of incorporating and respecting indigenous cultures, we strongly encourage that Traditional Ecological Knowledge is integrated into every objective. The Anishinaabeg have been stewards of Anishinaabewi Gichigami (Lake Superior) as long as we have lived here. We lived harmoniously with our inawemaaganag (relatives) for hundreds of years prior to colonization by following our teachings to guide our actions in a good way.</p> | <p>We appreciate the suggestion of incorporating indigenous languages into the plan, and we agree that such incorporation could, as you suggest, strengthen the cultural responsiveness of the document. Given the number of tribal nations covered by the plan, and given EPA's timing and resource constraints, the development of a multi-lingual document at this time is beyond our capability. We believe that until we have a means of making such multi-lingual approaches to the plan inclusive and practical, we will continue to use English as the universally understood language of the plan. We welcome additional thoughts on how the plan may begin to address the question of how best to incorporate complex linguistics.</p> <p>Additionally, we recognize the importance of Traditional Ecological Knowledge (TEK) , and have added an express reference to it at p. 24. This reference is intended to convey the importance of TEK throughout the Plan. Again, for purposes of brevity, we have not added such a reference to every objective.</p> |
| General | <p>Similarly, the Plan states that GLRI resources are being used by agency base budgets (page 1). Miskwabekaang has the following questions and concerns regarding this specific matter. We would like to know how much GLRI funding has been passed to other federal agencies and retained by those agencies for augmenting their programs. Tribal nations ceded much of the Gichigami Basin to the United States of America. Many of the treaties that ceded territory include the retention of treaty rights ensuring that native communities are able to maintain their traditional roles of aki (land) and nibi stewards. Currently, tribes are eligible to compete for the majority of GLRI grant programs and have exclusive</p> | <p>GLRI funds are provided to other federal agencies to supplement their base budgets. Our annual <i>Reports to Congress</i> provide information about the amounts of GLRI funding that EPA "passes through" to each of the federal GLRI agencies. Please see Section 4 of the Reports at https://www.glri.us/documents.</p> <p>We are currently working with the other federal agencies and BIA to establish a distinct tribal program within GLRI that may be able to be used for stable funding to develop, grow, and sustain portions of your program. For FY-20, we anticipate that \$15M of GLRI funding will be transferred to BIA, who in turn will be able to directly contract with individual tribes to address individual tribal priorities. In our view, the primary purpose of the distinct tribal program is to create the kind of consistent tribal funding source which you desire. In addition, tribes can continue to pursue GLRI funds through funding competitions sponsored by the federal GLRI agencies for which tribes is eligible. (It will remain the case</p> |

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| | <p>access to the BIA GLRI competitive pot, however this does not suffice for several reasons. For Miskwabekaang, nearly the entire portion of the Anishinaabewi Gichigami Basin (in the United States) lies within reservation and/or ceded territories. A large portion of the upper lakes are recharged through tribal lands. The limited amount of tribal-only funding available from BIA via their inter-agency agreement is not proportionally representative of the tribes' management role and authority. The EPA and the other agencies clearly recognize how important it is to have stable funding to develop, grow, and sustain a program. While the competitive funding has been incredibly important to Miskwabekaang, tribes should have access to a guaranteed, consistent and proportional quantity (in regard to the amount of treaty territory that resides within the Gichigami Basin) of GLRI funding. Such guarantees would allow for tribes to better plan and execute protection and restoration initiatives that are inline with traditional roles of aki and nibi stewards.</p> | <p>that any GLRI funds, regardless of the source, must be spent in accord with the Action Plan.)</p> <p>With regard to the “proportionality” of funding”, I note that we have historically not based funding on a tribe (or state’s) respective proportion of territory, population, etc., as we do not believe that a “proportionality” approach will provide as effective a result as basing funding on the merits of individual projects in light of the contribution that a project makes to achieving the goals of the GLRI.</p> |
| General | <p>Along the same lines of tribal sovereignty and our role as traditional stewards, we would like to raise concerns with the language of "federal agencies will continue to identify and implement the programs and projects that will best advance progress toward achieving long-term Great Lakes goals ..." (page 2). Tribal partners should be included in these discussions every step of the way rather than having access to a brief comment period. Furthermore the "principles guide GLRI planning and implementation" box's Partnership and Engagement section reiterates this concern. The language of " .. support tribal priorities that are consistent with GLRI goals and objectives" undermines tribal sovereignty. If tribal priorities do not align with federal priorities they will not be funded. Dedicated allocation of GLRI funds to tribes would allow us to meet tribal goals whether or not they are federal priorities. The Project Sustainability reference to "encourage</p> | <p>We understand your desire for greater tribal independence in setting priorities. However, we believe that projects funded with GLRI money must align with the objectives, commitments, and measures of progress identified in the Action Plans developed by the federal agencies, in consultation with tribes and states. As noted above, we are developing a distinct tribal program under the GLRI whereby a certain sum will be provided to BIA solely for use by the tribes.</p> |

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| | <p>project stewardship to promote the sustainability and long-term benefits of projects" reiterates the point that tribes should have exclusive access to portions of GLRI funds to be able to maintain long-term stewardship projects that align with our traditional ways</p> | |
| General | <p>Miskwabekaang would like to see either a larger emphasis on prevention and protection as a theme in the Plan or its own Focus Area. GLRI Action Plan I specifically recognized the value of protection and stated that "for the purposes of this Initiative, restoration includes ecosystem protection, enhancement, rehabilitation and remediation ... Restoration of degraded, damaged or destroyed water and lands is more costly than protection of resources before damage occurs. Therefore, this Initiative recognizes the wisdom of supporting ecological protection. Protection is defined as actions taken to prevent stress to ecosystems" (page 8, GLRI Action Plan I). While we recognize that parts of this plan do address protection, it does not seem to go far enough. The name (sturgeon) recovery in the Menominee River is mentioned, however this plan seems to include little protection of these sacred inawemaaganag from the proposed Back 40 Mine along the shores of the Menominee River. Similarly, despite the efforts to "maintain restore and enhance" (page 24, draft GLRI Action Plan III) manoomin (wild rice), it is unclear what the Plan will do to address numerous industry threats to this sacred inawemaangan (relative) such as the Minntac Mine, which has decimated the manoomin on the nearby Twin Lakes. Miskwabekaang recommends either more heavily incorporating prevention and safe guarding the sacred nibi and our</p> | <p>We recognize the importance of protection and have made a number of references to it throughout the Plan. We have now also taken your suggestion to put back in some of this text from Action Plan I. It will appear on page 1 of the Plan.</p> <p>We look forward to working with you and BIA to advance Great Lakes protection and restoration within statutory requirements and the GLRI Action Plan. By statute, GLRI is not a regulatory program. Please feel free to contact me if you would like to discuss particular projects that you feel might not be covered under the existing 5 focus areas.</p> |

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| | inawemaaganag or creating Focus Area 6 to address these concerns. | |
| General | For all Measure of Progress with Annual Targets the meaning of the word "Universe" is unclear and should consider including an explanation, definition or rewording it. | We agree and have included an explanation. |
| FA1 | Objective 1.2: This objective seems to be responsive to tribal input, but while it emphasizes sharing of information it doesn't clearly state that the collection of the information will be funded. We also recommend considering another Measure of Progress, 1.2.2 that tracks projects evaluating health benefits and/or contaminant levels in other wildlife and plants. | Information collection projects would generally be funded under Focus Area 5. |
| FA1 | Objective 1.3: This objective doesn't explicitly include monitoring for and evaluating impacts of other chemicals of emerging concern such as Deet or various pharmaceuticals, which are a concern of several tribes as voiced in a conference call on March 21, 2019. | We feel that the objective of this focus areas sufficiently allows for discrete monitoring and assessment activities for both CMCs <u>and</u> other priority chemicals. The term "priority" is not expressly defined, providing considerable flexibility for purposes of project funding. Information from Action Plan 1 and 2 projects on chemicals of emerging concern are being generated and will be widely circulated for use in decision making as it becomes available. |
| FA2 | Objective 2.1: Miskwabekaang is concerned that this objective will prioritize projects that plan response exercises since that is a sure way to meet progress target numbers. It is important to provide support to projects that are prepared to enact rapid responses as well. Direct allocation of GLRI funds to tribes to maintain an invasive species program provides better capacity to detect and rapidly respond a to a new bakaan ingoji | Tribes may seek funding to conduct response exercises. We recommend you discuss this type of project funding with BIA. |

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| | ga-ondaadag (non-local/invasive beings) compared to applying for uncertain funding to design and implement a surveillance program and then needing to apply for additional funding to address any bakaan ingoji ga-ondaadag that may be detected. | |
| FA2 | <ul style="list-style-type: none"> Objective 2.3: It will likely be hard for Miskwabekaang specifically, and tribes generally, to compete against universities or state / federal agencies based on capacity. Measure of Progress 2.3.2 is good, but it is important to remember that tribes often have needs to address issues on reservation lands where no other agencies have jurisdiction and/or wish to address tribal priority species that don't garner interest from outside partners. It is also important to monitor or address local relatives /species that may act invasively as the environment continues to alter due to climate change. | Tribes may seek funding for developing control technologies and refining management techniques. We recommend you discuss this type of project funding with BIA. |
| FA3 | Objective 3.1: Miskwabekaang is concerned that we will be excluded from funding for this objective because much of our community and the surrounding area is not considered agricultural or would rank highly compared to other regions. These efforts to reduce phosphorus are often aimed at reducing algal blooms, which have historically been a problem in other lake basins. In the past several years, Anishinaabewi Gichigami has seen an increase in algal blooms, specifically in the areas around Miskwabekaang, and addressing nutrient inputs from contributing watersheds is crucial before we reach the tipping point. | Tribes may seek funding for nutrient load reduction activity. We recommend you discuss this type of project funding with BIA. |
| FA3 | Objective 3.2: Miskwabekaang could have projects in this area, however the reference of "watershed plans" is a concern. These plans can be resource intensive and burdensome to complete and for Miskwabekaang much of the watershed is outside of reservation boundaries. It is important to realize that beneficial projects at a local level can be designed and implemented | EPA's guidance on watershed plans is intended to ensure that projects will be effective at improving water quality on a watershed scale; however, projects outside of watershed plans are not excluded. BIA may also be able to fund projects not identified in a watershed plan. This is also something you may wish to discuss with BIA as part of the distinct tribal program. |

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| | without the need to spend time and money on a watershed level plan first. | |
| FA4 | <p>Objective 4.1: Identifying habitats is included as a commitment, but there is not a corresponding Measure of Progress with Annual Target.</p> <p>"Identifying key habitats" is listed as an expected outcome of Objective 4.2 (page 24, draft GLRI Action Plan III), but "identify, restore and protect habitats" is a commitment of Objective 4.1 (page. 21, draft GLRI Action Plan III). Would the expected outcome of "identifying key habitats" fit better under Objective I?</p> | <p>You are correct. We expect that identification of key habitats will be important for both objectives. We see that identification as a means to an end in Objective 4.1 while it may be the end objective for particular species in Objective 4.2. It may be worthwhile for the Tribe to further discuss this issue with Kevin O'Donnell, GLNPO's Lead for Focus Area 4.</p> |
| FA4 | <p>Objective 4.2: Miskwabekaang would like to note that this is an example of tribal input being recognized and projects will be considered that address tribal priority species that may not be on other lists. We would like moozoog (moose), waabizheshiwag (martens), omashkoozoog (elks), ma'iinganag (wolves) and other culturally important inawemaaganag added to this list. We are also concerned about Measure of Progress 4.2.1 Species benefited where actions have been completed to significantly protect or promote recovery. We would like for population concerns to be considered at the local level and not just at the regional level. For instance, a population for a specific inawemaagan may be of concern on-reservation or in Anishinaabewi Gichigami, but the population of said inawemaagan across the entire Gichigami basin may not be seen as a concern. We would recommend changing Measure of Progress 4.2.1 to The number of management outcomes that directly benefit a cultural, subsistence or economic valued species. This objective talks about resiliency, which implies that climate change considerations would be included. Would this also allow funding of projects that may pursue adaptation such as the potential shift in species</p> | <p>Because so many tribes emphasized the importance of moose, we have expressly included moose to the species listing on page 24.</p> <p>The list on page 24 is not an exclusive list. There are additional species that may well benefit from GLRI actions. However, the focus of this measure and this list is not to recognize every locally valued species, but to recognize where collective GLRI efforts after 10 years have resulted in large scale successes. In limited cases, such as the Chittenango amber snail, Mitchell's satyr, and Poweshiek skipperling, the measure recognizes saving local species when that species is endemic to a specific region in the Great Lakes and may be extirpated.</p> |

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| | <p>composition or habitat? Also, the mention of targeting "projects based on consensus-based" is a concern because the development of these plans does not necessarily reflect traditional tribal decision and management processes that emphasize oral traditions. Again, for on-reservation issues, there may be no need or desire to bring in other partners to develop consensus, which has been concerns raised with BIA, EPA and USFWS over the years when discussing grant programs. A concern related to this is BIA's GLRI competitive grant program for tribes shifting toward a typical federally structured process - emphasizing partnerships, matching funds, written management plans, climate considerations, consideration of state/federal priority species/goals, etc. and increasingly ignoring the tribal sovereignty in setting and acting upon tribal priorities.</p> | |
| EPA Comparison document | <p>The Compare APII and APIII-February 2019 document states that "discussions with partners regarding capacity and future project interests indicated lower potential project opportunities compared to previous years" (page. 3). Does this mean there will be significantly less funding available for Focus Area 4.1? This is a concern because to our knowledge, tribal funding and project requests related to this focus area under BIA's Tribal Grant program have always exceeded funding availability.</p> | <p>The statement in the comparison document that you cite related to the targets that we've set. We have not made any determinations about funding levels.</p> |
| FA5 | <p>Objective 5.1: Miskwabekaang recommends that a principle be added to The Great Lakes Literacy Principles that address the indigenous peoples' of the Gichigami Basin. Currently, there is not any educational component of the Great Lakes Literacy Principles that reference indigenous peoples' of the Gichigami Basin, our current role as nibi and aki stewards, migration stories or other information that gives a historically accurate picture of the region.</p> | <p>Although the Action Plan references the Great Lakes Literacy Principles, the Principles themselves were developed by the Sea Grant Network. We will be happy to provide your comment to them. We have included a note in the Plan indicating the source of the Principles.</p> |

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| General | We remain committed to protecting the nibi (water), aki (land), and air of our current and ancestral homelands for our people and the generations to come. Preserving the environment means preserving our treaty rights and our traditional life ways. Miigwech (thank you) for the opportunity to submit comments. | We very much appreciate your comments. |
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Again thank you very much for your comments.

Sincerely,

Chris

Miigwech,

Noah Saperstein

Environmental Justice Specialist
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